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A-S

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/270,111 03/16/99 CONRAD W 5562-769/PMD

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| 001059 | IM62/0516 | EXAMINER |
| BERESKIN AND PARR | | SPITZER, R |
| 40 KING STREET WEST | 40TH FLOOR | ART UNIT |
| P O BOX 401 | | PAPER NUMBER |
| TORONTO ON M5H 3Y2 | | 8 |
| CANADA | AIR MAIL | 1724 |
| | | DATE MAILED: |
| | | 05/16/00 |

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | |
|---------------------------------------|-------------------------------------|
| Application No. 09/270,111 | Applicant(s) Conrad et al |
| Examiner Spitzer, Robert H. | Group Art Unit 1724 |

Responsive to communication(s) filed on May 1, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-39 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 1-15 and 30-34 is/are allowed.

Claim(s) 16, 28, 29, 35, 38, and 39 is/are rejected.

Claim(s) 17-27, 36, and 37 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-15, and 30-34 are allowed.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 16, 28, 29, 35, 38 and 39 are again rejected under 35 U.S.C. 102(b) as being clearly anticipated by both the process and apparatus of Sircar et al. (4,013,429), wherein the output of the adsorbers goes to a pressurizable storage means "41", and the purging occurs through either valve "37" or "38", which valves are operably associated with the storage means when it reaches a preset pressure.
4. Claims 17-27, 36 and 37 are again objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Applicant's arguments filed May 1, 2000 have been fully considered but they are not persuasive.

With respect to the Sircar et al. ('429) reference, applicants' state that it "fails to disclose limitation (e) of the claim" 16. Limitation (e) is an "actuating means operably associated with the purging means for actuating the purging cycle upon the ^spressurizable storage means reaching a preset pressure". In Sircar et al. ('429), such "actuating means" would be the control means which is what operates the cycle of the adsorbent beds. That cycle allows storage means "41" to collect gas until such time (which would occur at a "preset pressure") as that gas is needed to purge the bed. Thus, in the opinion of the Examiner, the control means of Sircar et al. ('429) has

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the identical function to the recited "actuating means". Likewise, the method steps of claim 35 are also shown. Any other remarks made by Applicants and not specifically commented on by the Examiner, have been considered.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Robert H. Spitzer at telephone number (703) 308-3794.

Robert H. Spitzer/om
May 10, 2000

Robert H. Spitzer
ROBERT H. SPITZER
PRIMARY EXAMINER
T.C. 1700
05/16/2000